

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WENDY LOUISE LABUTE-GOEN
7000 S. Paradise Road, #2057
Las Vegas, NV 89119

Registered Nurse License No. 619732

Case No. 2012-657

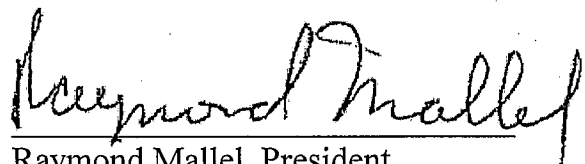
Respondent

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **November 5, 2012.**

IT IS SO ORDERED **November 5, 2012.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 2012-657

14 **WENDY LOUISE LABUTE-GOEN**
15 **7000 S Paradise Rd., # 2057**
Las Vegas, NV 89119

16 **Registered Nurse License No. 619732**

17 Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18
19 IT IS HEREBY STIPULATED AND AGREED, by and between the parties in this
20 proceeding, that the following matters are true:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
23 Board of Registered Nursing. She brought this action solely in her official capacity and is
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
25 Leslie E. Brast, Deputy Attorney General.

26 2. Wendy Louise Labute-Goen (Respondent) is represented in this proceeding by
27 attorney Tracy L. Singh, whose address is 8635 West Sahara Avenue, #437, Las Vegas, NV
28 89117.

3. On or about June 17, 2003, the Board of Registered Nursing issued Registered Nurse License No. 619732 to Respondent. The Registered Nurse License expired on July 31, 2008, and has not been renewed.

JURISDICTION

4. Accusation No. 2012-657 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 7, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-657 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-657. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits that she was disciplined by the Nevada State Board of Nursing as alleged in Accusation No. 2012-657, agrees that cause exists for discipline, and hereby surrenders her Registered Nurse License No. 619732 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 619732, issued to Respondent Wendy Louise Labute-Goen, is surrendered and accepted by the Board of Registered Nursing.

1 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board of Registered Nursing.

5 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
6 of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2012-657 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$1,832.50. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
19 Board from reducing the amount of cost recovery upon reinstatement of the license.

20 6. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 2012-657 shall be
23 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict licensure.

25 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
26 years from the effective date of the Board of Registered Nursing's Decision and Order.

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28 ///

Exhibit A

Accusation No. 2012-657

1 KAMALA D. HARRIS
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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2012-657

13 **WENDY LOUISE LABUTE-GOEN**
14 **8250 N. Grand Canyon Drive, # 2079**
15 **Las Vegas, NV 89166**
Registered Nurse License No. 619732

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN, (Complainant), brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about June 17, 2003, the Board of Registered Nursing issued Registered Nurse
24 License Number 619732 to Wendy Louise Labute-Goen (Respondent). The Registered Nurse
25 License expired on July 31, 2008, and has not been renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Registered Nursing (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
3 that the Board may discipline any licensee, including a licensee holding a temporary or an
4 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
5 Nursing Practice Act.

6 5. Section 2764 of the Code provides that the expiration of a license shall not deprive
7 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
8 render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
9 Board may renew an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 6. Section 2761 of the Code states: "the board may take disciplinary action against a
12 certified or licensed nurse or deny an application for a certificate or license for any of the
13 following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 ...

16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action."

21 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

22 7. Code section 4021 states that a "Controlled substance" means any substance listed in
23 Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code."

24 8. Code section 4022 sets forth that a "'Dangerous drug' or 'dangerous device' means
25 any drug or device unsafe for self-use in humans or animals, and includes the following:

26 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without
27 prescription,' 'Rx only' or words of similar import.

28 "(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale

1 by or on the order of a _____, 'Rx only,' or words of similar import . . .

2 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
3 prescription or furnished pursuant to Section 4006."

4 9. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code
5 section 11055, subdivision (b)(1)(L), and a dangerous drug within the meaning of Code section
6 4022. Morphine is a powerful opiate analgesic medication.

7 10. Hydromorphone is a semi-synthetic opioid derivative subject to control as a Schedule
8 II controlled substance as designated by Health and Safety Code section 11055, subdivision
9 (b)(1)(J), and a dangerous drug within the meaning of Code section 4022.

10 COST RECOVERY

11 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct - Out of State Discipline)

17 (Bus. & Prof. Section 2761, subd. (a)(4))

18 12. Respondent is subject to disciplinary action under Code section 2761, subdivision
19 (a)(4), in that on or about November 8, 2007, in a disciplinary action before the Nevada State
20 Board of Nursing (Nevada Board), Case No. 0621-07C, the Nevada Board entered Findings of
21 Fact, Conclusions of Law, and an Order to publicly reprimand Respondent's Nevada Professional
22 Nursing License, No. RN35434. The circumstance on which the public reprimand is based
23 follows:

24 a. On September 13, 2007, in a disciplinary hearing before the Nevada Board,
25 Respondent and her counsel verbally stipulated to facts and liability contained in Complaint and
26 Notice of Hearing, Case No. 0621-07C, wherein it was alleged that Respondent tested positive for
27 Morphine and Hydromorphone while employed and working at Mountain View Hospital, in Las
28 Vegas, Nevada.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct - Out of State Discipline)
(Bus. & Prof. Section 2761, subd. (a)(4))

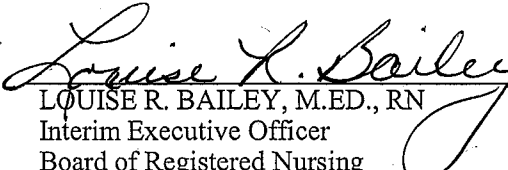
13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about November 21, 2008, in a disciplinary action before the Nevada Board, Respondent entered into an Agreed Order with the Nevada Board whereby Respondent's Professional Nurse License, No. RN35434, was suspended for a period of sixty (60) days. During the suspension period, Respondent was ordered to enter into a chemical dependency treatment program, to submit documentation of sobriety for a period of thirty (30) days, to meet with the Disability Advisory Committee and to follow all recommendations. Following the lifting of the suspension of her license, Respondent would then be placed on restricted licensure for a minimum of five (years) subject to the Nevada Board's probationary terms and conditions.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 619732, issued to Wendy Louise Labute-Goen;
2. Ordering Wendy Louise Labute-Goen to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: April 24, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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